

# EXHIBIT 1

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

3 -----  
4 **BLACK LOVE RESISTS IN THE RUST, et al.,**  
5 **individually and on behalf of a class of**  
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.  
11 -----

12 **EXAMINATION BEFORE TRIAL OF JOSEPH GRAMAGLIA**

13 **APPEARING REMOTELY FROM**

14 **ERIE COUNTY, NEW YORK**  
15

16 September 22, 2023

17 9:05 a.m. - 5:15 p.m.

18 pursuant to notice  
19

20  
21 REPORTED BY:

22 Carrie A. Fisher, Notary Public

23 APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202  
716-853-5544

R E M O T E   A P P E A R A N C E S

APPEARING FOR THE PLAINTIFFS:

**NATIONAL CENTER FOR LAW  
AND ECONOMIC JUSTICE  
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APPEARING FOR THE DEFENDANTS:

**HODGSON RUSS LLP  
BY: CHEYENNE N. FREELY, ESQ.,  
PETER SAHASRABUDHE, ESQ.,  
and HUGH M. RUSS III, ESQ.,**  
140 Pearl Street  
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(716) 848-1508

ALSO PRESENT:

**ANJANA MALHOTRA, ESQ.**  
National Center for Law  
and Economic Justice

DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202  
716-853-5544

—JOSEPH GRAMAGLIA—

1 A. I am.

2 Q. And what was the Strike Force?

3 MS. FREELY: Objection to form. You can  
4 answer.

5 A. The Strike Force was a unit that was created,  
6 a proactive-type unit. Their -- they were not  
7 answering calls like a district police officer  
8 so they would not be directly dispatched to  
9 any calls. They could certainly call out on  
10 calls. They could back up on calls, but their  
11 primary focus was more of a proactive type of  
12 unit.

13 Q. And what was the main mission of the Strike  
14 Force?

15 MS. FREELY: Objection to form. You can  
16 keep answering.

17 THE WITNESS: Oh, sorry.

18 MS. FREELY: As long as I say -- you  
19 know, as long as I don't say don't answer.

20 THE WITNESS: Okay.

21 A. So just to clarify again, I had no operational  
22 command over Strike Force. When I became the  
23 deputy commissioner, they had already been

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~~JOSEPH GRAMAGLIA~~

1           disbanded. I was a district chief at the time  
2           and then a captain in Homicide and a patrol  
3           lieutenant. At no time did I ever have any  
4           operational command over Strike Force. So,  
5           you know, the things that I could testify to  
6           were historical knowledge of the department  
7           but I at no time ever had any operational  
8           control over Strike Force.

9           Q. Okay. I understand. Are you aware of what  
10          the Strike Force's mission was?

11                   MS. FREELY: Same objection.

12          A. So their mission was a proactive unit.

13          Q. And what does that mean, "a proactive unit"?

14          A. It could be I guess a variety of things.  
15                Again, I don't know what exactly, you know,  
16                mission directives were given to them but  
17                their job was to do a variety of things that  
18                the commissioner at the time needed done. It  
19                could be for gang and gun violence reduction  
20                or any other needs -- any other needs that  
21                would arise that the commissioner needed done.  
22                They could respond to complaints. They could  
23                respond to citizen complaints. At times we

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~~JOSEPH GRAMAGLIA~~

1 will get 311 calls, we will get community  
2 calls where there might be an issue for  
3 something, there's an uptick in something, and  
4 the Strike Force would be there to respond to  
5 those needs. They were kind of an active  
6 flowing unit, if you will.

7 Q. And when you say they could respond to  
8 civilian complaints, you don't mean as part of  
9 the Internal Affairs function, right?

10 A. No, not at all. Again, on an operational  
11 policing side. So if there was a rise in  
12 shootings in a particular area, then they  
13 could be used to get into that area and try to  
14 suppress that. If there were other issues,  
15 other community concerns, if there were, you  
16 know, gang calls, if there were, you know, I  
17 guess any issue that the commissioner of  
18 police at the time deemed that needed more  
19 service than the district could provide  
20 because the district's primary responsibility  
21 is to answer 911 calls and to keep up with  
22 that so, you know, sometimes the extras  
23 don't -- aren't able to be handled as

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—JOSEPH GRAMAGLIA—

1           efficiently because the districts are  
2           answering calls so Strike Force could be used  
3           to -- to deal with some, you know, conditions  
4           and help to alleviate conditions.

5           Q. And you said that the Strike Force was  
6           eliminated before you became deputy police  
7           commissioner?

8           A. Yes.

9           Q. Did you have any involvement in the decision  
10          to eliminate the Strike Force?

11          A. I did not.

12          Q. And are you familiar with the BPD Housing  
13          Unit?

14          A. I am.

15          Q. And what was the Housing Unit?

16                   MS. FREELY: Objection to form.

17          A. The Housing Unit so they were -- they were a  
18          unit that was formed to work the public  
19          housing developments within the city of  
20          Buffalo, the Buffalo Municipal Housing  
21          Authority developments. The BMHA, as it's  
22          known, had a contract with the City. They  
23          paid a certain dollar amount for police

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1 services, and the housing officers worked out  
2 of a housing station which is the station that  
3 I used to work at when I was a housing officer  
4 from '94 to '96 and their primary function was  
5 to patrol the housing developments and respond  
6 to any issues that the BMHA hierarchy --  
7 concerns that they had.

8 Q. And as deputy commissioner for operations,  
9 were you part of the Housing Unit command  
10 structure?

11 A. And forgive me, I don't recall when they were  
12 disbanded. I believe that I was at the time.  
13 Honestly, I didn't look at the dates again. I  
14 believe there was a short time frame I think  
15 that I was. So if you happen to know the date  
16 that they were disbanded, you'd help me out.

17 Q. Yes. I believe that the Housing Unit was  
18 disbanded around June of 2020 or July.

19 A. Okay. Yeah, so I would have --

20 Q. July of 2020.

21 A. So I would have been responsible for them for  
22 two years.

23 Q. And so what were your responsibilities with

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—JOSEPH GRAMAGLIA—

1       A. I don't know about major. I mean, I've had to  
2       make some Manual of Procedure changes. You  
3       know, we've evolved our use of force policy on  
4       several occasions, you know, again, trying to  
5       keep, you know, very current and ahead of the  
6       curve on some things but other than policy and  
7       procedure changes I don't -- nothing major.

8       Q. Have you made any significant changes to the  
9       BPD's traffic enforcement policies or  
10      practices?

11               MR. RUSS: Objection to form. You may  
12      answer.

13      A. No.

14      Q. Did you ever rescind Section 10.5 of the MOP  
15      which authorizes the BPD to run traffic safety  
16      checkpoints?

17      A. I did not rescind it.

18      Q. And why not?

19      A. You know, if you pull up that section, the  
20      traffic checkpoints can only be done with, you  
21      know, high authorization. I'm not going to  
22      give -- you know, without a valid reason, I  
23      just don't -- you know, I'm not going to give

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1           that authorization but, you know, you still  
2           have to keep that in there for, you know, some  
3           safety reasons. You know, there could  
4           hypothetically be an escaped prisoner where  
5           you have to set up traffic checkpoints. If  
6           you could pull up the section of the language  
7           and read it more specifically but, you know,  
8           having something in there and the  
9           authorizations that are required are two  
10          different things.

11         Q. Okay. But under the MOP you could restart  
12           those traffic safety checkpoints at any time,  
13           right?

14         A. I'd have the authorization. I could, yes.

15         Q. Does the BPD conduct performance evaluations  
16           of officers?

17         A. Contractually we're not able to, no. That's a  
18           subject of union negotiations.

19         Q. Okay. And -- yeah, maybe I will come back to  
20           that in a little bit. So aside from  
21           performance evaluations, does the BPD evaluate  
22           officers' performance in any way?

23         A. No. Subject to the union negotiations, we're

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